

Appl. No. 10/728,386
Amdt. Dated January 20, 2005
Reply to Office Communication
Dated December 20, 2004

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REMARKS/ARGUMENTS

Further to the Office Communication dated December 20, 2004, the Applicants now enclose the same response as the one dated November 18, 2004, to the exception of the inventors' signatures which are now shown where required on all necessary documents.

The Applicant thanks the Examiner for the Detailed Office Action of 09/08/2004.

Specification

In Item 3 of the Office Action, the Examiner has required a formality amendment to the text disclosing the family tree of the present application. In response, appropriate text has been included in the introductory section of the application.

Double Patenting

The Examiner raises a provisional objection to all the claims in the present application on the basis of a non-statutory double patenting in view of co-pending Application No. 10/728,921. The Applicant contests the assertions of the Examiner that the above claims are unpatentable over respective claims in the cited US application. However, in the interest of expeditious prosecution of this application, the Applicant files a Terminal Disclaimer in compliance with 37 CFR 3.73(b).

Claim Rejections

In Item 7 of the Office Action the Examiner has objected to claims 1 and 4 on the basis of the claims being anticipated by the disclosure in Khuri-Yakub et al (US 5,828,394). Furthermore, claim 10 is rejected as being unpatentable over Khuri-Yakub et al, in view of Asaba (US 5,850,242).

The Applicant contests the Examiner's conclusion on this issue. In particular, the Applicant directs the Examiner's attention to the features of claim 1, defined in the following text; "wherein the substrate defines chamber walls that diverge from respective ink inlet channels to respective roof structures". It is submitted that in Khuri-Yakub et al, the diverging wall belongs to the membrane 13 and not to the substrate (11). In addition, this wall does not diverge "from respective ink inlet channels (see channel 16 in Fig. 1) to respective roof structures". Finally, the expression in claim 1 of the present invention is clearly directed to walls that are permanently divergent. In contrast, the roof structure in Khuri-Yakub et al. is divergent only during ink ejection (please note the difference between Fig 7C and Figures 7B, 7D).

Thus, the feature of the chamber having divergent walls is clearly not disclosed in Khuri-Yakub et al. On the other hand, this feature is essential for the subject invention since the diverging structure provides a direct link to the inlet channels and facilitates an easy and quick refill of the chamber after ink ejection. Accordingly, it is submitted that claim 1 is not also novel, but it also possesses the requisite inventive step to qualify for patentability. Accordingly, it is submitted that the amended claim 1 is novel and inventive in view of the cited prior art documents. Furthermore, because of their dependence on a patentable claim, the rest of the claims are also now novel and inventive.

Appln No. 10/728,886
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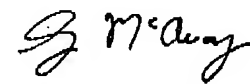
The Applicants also submit that the required fee of US\$110.00 for the Terminal Disclaimer is already paid as a cheque (no 114705455) was included in our response dated November 18, 2004.

In view of the above comments, it is respectfully submitted that the Examiner's objections have been successfully traversed and a reconsideration and allowance of the application is courteously solicited.

Very respectfully,

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